

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

FEB 15 2007

COURT OF APPEALS
DIVISION TWO

IN RE RODGER M.

) 2 CA-JV 2006-0057
) DEPARTMENT B
)

) MEMORANDUM DECISION
)

) Not for Publication
) Rule 28, Rules of Civil
) Appellate Procedure
)

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. JV200400262

Honorable Gilberto V. Figueroa, Judge

AFFIRMED

Gregan & Associates
By Lawton Connelly

Mesa
Attorneys for Minor

B R A M M E R, Judge.

¶1 Rodger M. appeals from the juvenile court's order placing him on juvenile intensive probation (JIPS) for twelve months.¹ Citing *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), which apply to juveniles in delinquency actions, *In re Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 486, 788 P.2d 1235, 1237 (App. 1989), counsel asks us to review the record

¹Although the notice of appeal is ostensibly directed at both the juvenile court's finding that Rodger had violated the conditions of probation and its disposition order, the only arguable issue raised on appeal is directed at the disposition order.

for fundamental error, stating that the only arguable issue he has found is whether the juvenile court abused its discretion by placing Rodger on JIPS.

¶2 Pursuant to two separate delinquency adjudications for disorderly conduct, the juvenile court placed Rodger on standard probation for one year in March 2006. The state filed a petition to revoke his probation in June 2006, and Rodger admitted one of the allegations in that petition. Counsel suggests as an arguable issue that the juvenile court should not have placed Rodger on JIPS. At the disposition hearing, the court stated it was familiar with Rodger's prior involvement in the juvenile court system and had considered all available information relevant to disposition, including the disposition report and statements by Rodger's attorney and his mother that JIPS was unwarranted, as well as the probation officer's recommendation that Rodger needed the additional supervision JIPS could provide to help "keep[] [him]at home." The judge explained why JIPS was appropriate for Rodger and encouraged his mother to cooperate with the court's decision to place him on JIPS, despite her opinion that it was not the best placement for him and that JIPS would involve extra work for her.

¶3 Having found no merit to the arguable issue suggested by counsel and having found no fundamental error in the record before us, we affirm the juvenile court's disposition order.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

PHILIP G. ESPINOSA, Judge